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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 MICHAEL B. WILLIAMS,

11 Petitioner,

12 v.

13 STEPHEN MAYBERG, Warden,

14 Respondent.

No. C 03-5147 MMC (PR)


**ORDER DENYING CERTIFICATE  
OF APPEALABILITY**

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16 On November 21, 2003, petitioner, a civil detainee confined at Atascadero State  
17 Hospital pursuant to California Welfare and Institutions Code § 6602, filed the above-titled  
18 petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging a 1991 state  
19 court conviction. On November 8, 2004, respondent's motion to dismiss the petition as  
20 untimely was granted, judgment was entered in respondent's favor, and the case was closed.  
21 The Court of Appeals thereafter denied petitioner's request for a certificate of appealability.  
22 On March 1, 2007, petitioner filed a motion for reconsideration in this court, which motion  
23 was denied on April 27, 2007. Petitioner has filed a notice of appeal from the denial of the  
24 motion for reconsideration, which notice the Court construes as including a request for a  
25 certificate of appealability pursuant to 28 U.S.C. § 2253(c) and Federal Rule of Appellate  
26 Procedure 22(b). See United States v. Asrar, 116 F.3d 1268, 1270 (9th Cir. 1997). Petitioner  
27 has not shown "that reasonable jurists would find" this Court's ruling "debatable or wrong."  
28 See Slack v. McDaniel, 529 U.S. 473, 483 (2000). Accordingly, the request for a certificate  
of appealability is hereby DENIED.

1 The Clerk shall forward this order, along with the case file, to the United States Court  
2 of Appeals for the Ninth Circuit, from which petitioner may also seek a certificate of  
3 appealability. See Asrar, 116 F.3d at 1270.

4 IT IS SO ORDERED.

5 DATED: May 24, 2007

  
6 MAKINE M. CHESNEY  
7 United States District Judge  
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